[Communicated to the Council and the Members of the League.]

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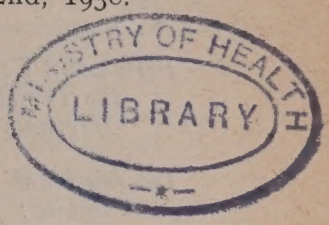

LEAGUE OF NATIONS

COMMITTEE OF EXPERTS ON ASSISTANCE TO INDIGENT FOREIGNERS AND THE EXECUTION OF MAINTENANCE OBLIGATIONS ABROAD

Report to the Council on the Work of the Third Session

The Committee of Experts on Assistance to Indigent Foreigners and the Execution of Maintenance Obligations abroad held a third session from February 14th to 19th, 1938, under the Chairmanship of Professor C. W. DE VRIES. The following experts were present :

Argentine Republic :	M. C. A. PARDO, Secretary-General of the Permanent Delegation of the Argentine Republic to the League of Nations.
United Kingdom of Great Britain and Northern Ireland :	Mr. E. N. COOPER, Principal, Aliens Department, Home Office.
Denmark :	Count F. REVENTLOW, County Sheriff.
France :	His Excellency M. R. THIERRY, Minister Plenipotentiary, Assistant Director of the Chancellories and of the Disputed Affairs Department, Ministry for Foreign Affairs ; His Excellency M. G. BOURGOIS, Minister Plenipotentiary ; M. F. HUI, Chief of the Service on Assistance to Adults in the Ministry of Public Health.
Hungary :	M. L. KADAR, Chief of Section in the Ministry of the Interior.
Mexico :	Mlle. Palma GUILLEN, Counsellor of the Delegation of Mexico to the League of Nations.
Netherlands :	Professor C. W. DE VRIES, Secretary of the Netherlands Advisory Commission for Public and Private Assistance to Indigent Persons.
Poland :	M. B. NAKONIECZNIKOFF, Director in the Ministry of Social Assistance ; Mme. W. WOYTOWICZ-GRABINSKA, Assistant Chief of Section in the Ministry of Social Assistance ; M. J. FRYLING, Counsellor in the Ministry for Foreign Affairs.
Switzerland :	M. H. ROTHMUND, Chief of the Federal Division of Police ; M. E. SCHEIM, Assistant, Federal Division of Police.
United States of America :	Mr. George L. WARREN, Director of the International Migration Service ; Mr. Henry B. HAZARD, Assistant to the Commissioner of Immigration and Naturalisation in the Department of Labour.

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In an Advisory Capacity:

International Labour Office: Mr. D. C. TAIT ;
M. J. LEGOUIS ;
M. E. ERICHSEN.

Permanent Conference for the Protection of Migrants: Mr. S. COHEN.

International Migration Service: Mlle. S. FERRIÈRE.

Secretariat:

M. E. E. EKSTRAND, Director of the Opium Traffic and Social Questions Sections.

The Italian and Japanese experts were not present at the meeting.

Mr. E. N. COOPER, delegate of the United Kingdom, was appointed Rapporteur.

I. INTRODUCTION.

The temporary Committee of Experts set up in virtue of a decision of the Council in 1931 (sixty-third session) was entrusted with the investigation of two questions : assistance to indigent foreigners and the execution of maintenance obligations abroad. The general aim was to improve the existing law and practice in this connection.

At its first session, held in December 1933, the Committee decided, however, to confine its work to the question of assistance to indigent foreigners and to postpone discussion on the question of the execution of maintenance obligations abroad to a later session. Subsequently, after careful examination of the information available, it drew up a draft Multilateral Convention on Assistance to Indigent Foreigners, which was submitted to the Governments for their observations in 1934. [1]

Since the preparation of an international convention always takes a considerable time, and since the Committee was anxious to bring about as soon as possible an improvement in the precarious situation of indigent foreigners, it drew up fourteen recommendations and proposed to the Governments that these should be applied immediately. [2]

The Committee of Experts met a second time in 1936, when it examined the observations of Governments on the draft Convention and the fourteen recommendations, and on the basis of these observations drew up a second draft Multilateral Convention. This draft represented a compromise between the different tendencies which were manifested in the Governments' observations and during the expert's discussions. The second draft Convention was submitted to the Governments in 1936. [3] At this session, the Committee also decided to enquire into the methods applied by various countries in the matter of assistance to indigent foreigners.

As early as the last session in 1936, three tendencies could be distinctly observed. One group of experts, basing their view on suggestions by certain Governments which were in favour of the conclusion of bilateral treaties, recommended that the text of a model bilateral treaty should be communicated to Governments (in addition to the draft Multilateral Convention) as a means of facilitating the conclusion of such bilateral agreements.

The Committee of Experts, although unanimous in recommending States which could not accede to the Multilateral Convention to conclude bilateral agreements instead, could not see its way to draw up a model agreement of this kind : it was thought that the Multilateral Convention should serve as a model for such agreements, and that the States should themselves decide in what respects such bilateral agreements as they concluded should derogate from the Multilateral Convention.

The majority of the experts were in favour of the conclusion of a multilateral convention, and in consequence the Committee agreed upon the new text which they proposed, representing a compromise between the different tendencies and embodying as far as possible the suggestions of the Governments and the private organisations.

The third tendency was represented by experts from the United States of America, who proposed an enquiry into certain points in the existing system of assistance to indigent foreigners. The Committee of Experts accepted this suggestion, and in consequence the enquiry was carried out. [4]

In May 1936 (ninety-second session), the Council adopted the report of the Committee of Experts, with its conclusions, and requested the Secretary-General to proceed to a second

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[1] Documents C.10.M.8.1934.IV and C.L.18.1934.IV.
[2] Document C.10.M.8.1934.IV.
[3] Documents C.94.M.37.1936.IV and C.L.118.1936.IV.
[4] Document C.552.M.389.1937.IV.

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consultation of Governments in order to obtain their opinion on the second draft Multilateral Convention and their observations on the replies received from Governments on the first consultation.

In accordance with the preparatory procedure to be followed in the case of general conventions to be initiated under the auspices of the League of Nations, the observations of the Governments were submitted to the seventeenth Assembly in 1936. Since, however, only very few observations had been received by the Secretariat at that date, the convocation of a diplomatic conference was judged to be premature. With a view to expediting the procedure, the seventeenth Assembly, in September 1936, requested the Council to take cognisance of these observations, and in the light thereof to decide whether or not it would be desirable to convene the Committee of Experts to study and report on the observations communicated by Governments and to take any other or further action which might seem appropriate.

In September 1937 (ninety-eighth session), when the Council considered the Governments' observations on the second Multilateral Convention, it noted that these replies differed so much in content and character that it would be difficult at that stage to reconcile the divergencies. The Council therefore decided to refer the observations to the Committee of Experts for their advice before any further action could be taken in the matter by the Council or the Assembly, and requested the Committee of Experts to study the Governments' replies on the second draft Multilateral Convention on Assistance to Indigent Foreigners, as well as the material obtained as the result of an enquiry into the practical measures applied to indigent foreigners. The Council also invited the Committee of Experts to make proposals to it as to any measures which appeared practicable to improve through international action the precarious situation of indigent foreigners.

The Committee of Experts had thus to propose to the Council a practical solution of the problem.

II. Examination of the Second Draft Multilateral Convention.

The Committee at its present session had before it the observations of Governments on the second draft Multilateral Convention on Assistance to Indigent Foreigners [1] and the replies from Governments on the questionnaire concerning the methods at present applied in various countries in the matter of assistance to indigent foreigners. [2]

It may be remembered that Members of the League and non-member States have been consulted on two drafts of the Multilateral Convention on Assistance to Indigent Foreigners, and that in addition a certain number of States—those represented on the Committee of Experts [3] and a few others [4] —were consulted on certain points concerning the assistance at present given to indigent foreigners.

In the course of the two consultations of Governments on the two drafts of the Multilateral Convention, observations were obtained from forty-two countries :

Argentine	Finland	New Zealand
Australia	France	Norway
Austria	Greece	Poland
Belgium	Hungary	Siam
United Kingdom	Iceland	Spain
Bulgaria	India	Sweden
Chile	Iraq	Switzerland
China	Ireland	Turkey
Colombia	Italy	Union of South Africa
Czechoslovakia	Japan	Union of Soviet Socialist Republics
Danzig	Latvia	
Denmark	Liechtenstein	United States of America
Ecuador	Lithuania	Yugoslavia
Egypt	Monaco	
Estonia	Netherlands	

Some Governments sent in observations in reply to the first consultation only, whereas other Governments sent in observations on the second draft Multilateral Convention only, and a certain number of Governments replied to both consultations.

These replies varied greatly. Some Governments sent exhaustive comments on one or both draft Conventions. Others merely stated whether they were inclined to adhere to the Convention or not. Others again observed that, although they agreed with the principles of such a Convention, yet for reasons of a national character—small population, isolation of the

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[1] Document C.341.M.241.1937.IV.

[2] Document C.552.M.389.1937.IV.

[3] Governments represented on the Committee of Experts : Argentine, United Kingdom, Denmark, France, Hungary, Italy, Japan, Netherlands, Poland, Switzerland, United States of America.

[4] Austria, Canada, Czechoslovakia, Finland, Norway, Sweden, Yugoslavia.
The Government of Canada, while expressing its sympathetic attitude, explained that, because of the constitutional situation in Canada, under which assistance to indigent foreigners falls within the competence of the Provincial Governments, it was not in a position to reply fully to the questionnaire. It expressed the opinion that the treatment of indigent foreigners in Canada compared favourably with that in other countries.

country, and, principally, financial reasons—they were unable to accede to it at the present moment. A few of the replies contained no comments at all, and did not state definitely whether the Government in question would be willing to accept the Convention or not.

The following Governments stated that they could not accede to the Convention or that for various reasons they had no observations to make : Argentine, Colombia, Danzig, Ecuador, Egypt, Greece, Iceland, India, Iraq, Lithuania, Monaco, New Zealand, Siam, Spain, Turkey, United States of America.

Certain Governments expressed their preference for bilateral agreements : Austria, Czechoslovakia, Estonia, Latvia, Liechtenstein, Switzerland, Yugoslavia.

The French Government was in favour of a model Convention to facilitate the conclusion of bilateral agreements.

A number of Governments observed that they had no objection to the principle of the Convention, or that they would be prepared to accede to the Convention ; and some proposed amendments. These Governments were those of : Australia, Belgium, United Kingdom, Bulgaria, Chile, China, Denmark, Finland, Hungary, Ireland, Italy, Japan, Netherlands, Norway, Poland, Sweden, Union of South Africa, Union of Soviet Socialist Republics.

To examine the Governments' replies, the Committee of Experts appointed a drafting Sub-committee consisting of the experts of France, Poland and Switzerland, and the Rapporteur. This drafting Sub-committee, after having made a careful study of the texts submitted by the Governments, prepared a third draft Convention embodying as far as possible all the Governments' amendments based on actual practice.

The object of the amendment to the second paragraph of Article 1 was to give a more precise definition to the word " minors ". Whereas in the first and second draft Convention the term minority was construed to mean the civil minority, in the new text it was limited to minority as defined by the laws of the country of residence dealing with public assistance. The object of the amendment is therefore to ensure that young nationals are not deprived of the benefits accorded to foreigners in countries where a distinction is drawn between civil minority and minority as defined by the public assistance laws.

In Article 3, account has been taken of the numerous amendments proposed by Governments to Articles 3 and 5 of the second draft Convention, and the text of the two articles has been combined into one. The most substantial change in the provisions of these articles consisted in the inclusion, under point (1) of the fourth paragraph, of the stipulation that the period after which repatriation should in no circumstances be resorted to might in certain circumstances be reduced from ten to five years. This amendment was adopted in order to take into account the practice already followed with regard to certain " specified categories " of persons, and in particular with regard to workers in a number of countries where repatriation on grounds of indigence alone cannot take place after five years of residence.

In the same article, to safeguard the interests of minor children, a provision was included whereby no account is to be taken of the duration of residence within the territory.

Moreover, the Committee has in general taken particular care, in accordance with the instructions given to it by the Council, to provide for special and more extensive assistance to indigent minors, both in the provisions of the model Convention and in the recommendations accompanying it.

To obviate the difficulties to which the term " occasional absence " may give rise, a provision has been introduced whereby a foreigner, who has retained the right of sojourn or residence, or has been absent in his own country for the purpose of performing compulsory military service, shall not be deemed to have interrupted his residence.

Article 9, which provides for the recovery of expenses in cases in which the assisted person or other persons under a legal obligation are in a position to do so, has been amended so as to include, in addition to repatriation expenses, costs of assistance incurred in the country of residence.

Finally, in Article 10, the amendment will allow States which accede to the Convention to follow, as regards measures of order and detail, the procedure provided for in agreements or Conventions which they may already have concluded.

When the Committee examined the third draft, which represented a compromise, the experts, after prolonged and thorough consideration, came to the reluctant conclusion that they could not take the responsibility of proposing a multilateral convention to the Council. They felt that, as an insufficient number of States had indicated their willingness to accede to such a convention, it was unlikely to prove an effective international instrument.

When the Committee of Experts realised that to proceed by way of a multilateral convention was no longer feasible, and had explored the various alternative possibilities, it decided that the draft Convention which had been submitted for a second time to the Governments for their opinion and then revised by the experts be submitted to the Council as a Model Convention. It could thus be used by Governments as a basis for the conclusion of multilateral or bilateral conventions.

The Permanent Conference for the Protection of Migrants, and the International Migration Service, representatives of which took part in an advisory capacity in the work of the Committee of Experts, had submitted to the Committee a recommendation to the same effect.

The text of the draft Multilateral Convention was thus adopted, with certain additional provisions which it was felt could quite properly be introduced, owing to the changed character of the instrument. This Model Convention is annexed to the report.

The experts, in reaching this conclusion, took into account the economic and political changes of recent years, which the Committee considered were mainly responsible for the present hesitation of many States to undertake obligations likely to place upon them new international obligations in this sphere.

The decision thus reached represented the unanimous opinion of the Committee of Experts, and it therefore submits to the Council the following resolution on the subject :

" The Committee of Experts,

" Having considered, in accordance with the Council's request, such measures as appeared practicable to improve by international action the precarious situation of indigent foreigners ;

" Realising that at the present time a multilateral convention might not prove to be an effective international instrument :

" Submits the text of a Model Convention ;

" Requests the Council to communicate this text to Governments, with the recommendation that they should be guided as far as possible by the provisions contained therein when preparing any bilateral or multilateral agreements or conventions, relating to assistance to indigent foreigners, which they may later intend to conclude ;

" And requests the Council to instruct the Secretary-General to enquire of Governments, after a period to be determined by the Council, what action has been taken as a result of its recommendations."

III. Recommendations on Assistance to Indigent Foreigners.

The Committee of Experts also decided to append recommendations of a practical nature to the Model Convention.

Several proposals were submitted to the Committee by the experts of the United Kingdom, [1] Denmark, [2] Switzerland, [3] and the United States of America and the private organisations [4] sitting with the Committee in an advisory capacity. The Committee retained several of the many valuable suggestions contained in these proposals.

Having also re-examined the fourteen recommendations submitted to the Council as the outcome of its first session (December 1933), the Committee decided to combine these with the ideas retained from the proposals at the present session, and to submit to the Council the following resolution :

" The Committee of Experts,

" Noting with satisfaction that the great majority of Governments have favourably received the recommendations embodied in the report to the Council on the work of its first session, held in December 1933 ;

" And having re-examined these recommendations in the light of previous discussions and the experience gained since that date :

" Wishes to submit the recommendations in the amended form set forth below, expressing the hope that the Governments will be guided by them in the treatment accorded to indigent foreigners, including nationals of countries with which the Governments have not yet concluded treaties dealing with this matter, and in particular with regard to children.

" I. States should tend towards placing foreigners as completely as possible on the same footing as nationals in the sphere of assistance to indigent persons, particularly in the case of stateless persons and foreigners of indeterminate nationality. Due account should be given to the special needs of such indigent persons arising from the fact that they are foreigners or are deprived of all protection.

" Such assistance should include as a minimum :

" (*a*) Assistance in hospital or in their homes to persons entirely without means of subsistence ;

" (*b*) Assistance in hospital or in their homes, or at dispensaries, anti-tuberculosis or anti-venereal preventive or curative treatment, social services, etc., to persons suffering from physical or mental disease, to the aged or to invalids incapable of providing for their own needs.

" As to minors for whose maintenance neither their own families nor other persons are making adequate provision, assistance should include as a minimum :

" (*a*) Assistance to mothers and infants before and after birth : consultations, pregnancy and maternity benefits, placing in a convalescent home, nursing allowances, etc. ;

" (*b*) Assistance to minors : hospital treatment and legal protection of abandoned children and orphans, measures for the readaptation of delinquent children, etc. ;

" (*c*) Free education.

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[1] Document A.E.35.

[2] Document A.E.38.

[3] Documents A.E.36 and A.E.37.

[4] Document A.E.40.

" II. The attention of Governments should be drawn to the fact that it is to the common interest of both emigration and immigration countries to protect indigent foreigners : of the former, because those persons are their nationals and are therefore entitled to such protection ; and of the latter, because the persons are actually in their territory ; and, moreover, this common interest entails a common moral responsibility.

" The measures of assistance to be taken jointly by the country of origin and the country of residence might consist of this :

" (*a*) Co-ordinated efforts to follow the application of treaties in force ;

" (*b*) Co-ordinated efforts on the part of the competent assistance authorities in the two countries to determine, through the diplomatic channel or by means of direct communications, or else by enlisting the services of private organisations specially competent, the forms of assistance most appropriate to the cases of the individuals concerned.

" The country of residence should introduce in its administrative practice the principles contained in Recommendation I. The country of origin can take any appropriate measures to supplement the assistance granted by the country of residence.

" III. The application of measures of assistance should be based on the maintenance of the family as a unit.

" IV. Assistance should not be refused on purely formal grounds. The carrying-out of the administrative formalities imposed on foreigners in either the country of origin or the country of residence should be simplified and the time-limits for the issue and transmission of the necessary documents should be shortened, so as to facilitate the access by indigent foreigners to measures of assistance. The requisite steps should be taken to ensure that measures of assistance are applied with the least possible delay.

" V. In the use of repatriation as a means of assistance to indigent foreigners, account should be taken of all the circumstances affecting the material, moral and social situation of the indigent person and his future, with special reference to his family ties and his connection both with the country of residence and with the country of origin.

" VI. The State of residence and the State of origin, if necessary in agreement with the State of transit, should make the necessary arrangements to provide for the transport of repatriated indigent foreigners to their destination. In the case of children, mothers travelling with children, and sick, infirm or aged persons, the public assistance services of the Government concerned should take all useful measures to ensure that the person in question is provided with the necessary care from the beginning to the end of the journey.

" VII. In view of the obstacles to assistance caused by difficulties relating to the civil status, nationality and naturalisation of foreigners, it is desirable, pending an international examination of these problems, that steps should be taken by the State of residence and the State of origin to remove these difficulties through administrative decisions. For the same reasons, the States of residence and origin should, at the request of the parties concerned, take administrative measures to facilitate the regularisation of the irregular position of foreign families.

" VIII. In view of the value, both for the foreigners and for the States and the private welfare and relief institutions, of fuller knowledge of the methods of assistance in various countries, adequate publicity should be given in each country to the legislative or administrative regulations applicable to assistance to foreigners and to their residence in the country.

" IX. Except for reasons of national security or public order, the Governments shall not remove from their territory, by means of police measures such as deportation or expulsion, indigent foreigners who are in an irregular position for reasons for which they are not morally responsible (such as the refusal by the authorities to renew an identity card or a residence permit), until means have been found, with the help of the consular authorities or of institutions dealing with these indigent foreigners, of enabling them to return to their country of origin or to any other country where it is possible for them to reside.

" X. In the case of indigent persons who are stateless or of indeterminate nationality the country of residence should not remove them from its territory by means of police measures, such as expulsion or deportation, unless such measures are dictated by reasons of national security or public order. The necessary assistance should be ensured so long as they remain in the country of residence.

" XI. In proposing a text of a model Convention, the Committee of Experts has not intended to preclude other means of bringing about an improvement in assistance to foreigners."

IV. Enquiry on Administrative Practices relating to Assistance to Indigent Foreigners.

The experts of the United States of America urged, even at the second session of the Committee, held in 1936, the collection of more detailed information regarding the administrative practices in various countries in matters relating to assistance to indigent foreigners. Nevertheless, having noted the documentation submitted, they felt that the complexity of the problem and the insufficient information at present available, increased the difficulty of arriving at a satisfactory solution.

Consequently, at their suggestion, the Committee of Experts drew the Council's attention to the advisability of carrying out a more exhaustive study of the problems connected with assistance to indigent foreigners.

V. Execution of Maintenance Obligations abroad.

The second question entrusted by the Council to the Committee of Experts was the execution of maintenance obligations abroad.

At its second session, held in 1936, the Committee was informed that the International Institute for the Unification of Private Law at Rome was then engaged in the study of this question. It accordingly decided to postpone a more detailed examination of the problem until the results of the work of the Rome Institute were made available.

The Committee noted with satisfaction that a Committee of Jurists, convened by the Rome Institute, met at Brussels in 1937. This Committee agreed upon the principles which should form the basis of an international convention on the execution of maintenance obligations abroad. The draft Convention will be discussed by the Committee of Jurists in 1938, when a final draft will be prepared.

In consequence, the Committee of Experts, desirous of proceeding with its work on this question, requests the Council to circulate to Governments represented on this Committee any documentation which the Rome Institute may communicate to the Secretariat.

ANNEX.

Model Convention on Assistance to Indigent Foreigners. [1]

Preamble.

While specifying that the regulation of social insurance, of unemployment relief and of judicial assistance do not lie within the scope of the present Convention ;

Considering that the extension to all foreigners in every country of the benefit of the national legislation on social insurance and on unemployment relief and that freedom of movement and free access to the national labour market for foreigners established in the country of residence are the most effective means of obviating recourse to assistance in the proper sense of the term, but that nevertheless measures of assistance will still be necessary in many cases ;

Considering that the principles of humanity and care for good social order must lead States to grant effective and satisfactory *public* assistance to any foreigner devoid of means of subsistence, on the same terms as to its own nationals, even though no obligation may lie in that respect in virtue of any law or Convention ;

Considering it desirable that an international convention on assistance to indigent foreigners should enable the latter to avail themselves of the measures of *public* assistance indispensable for the requirements of a proper livelihood and applicable to nationals :

The undersigned plenipotentiaries, holding full powers recognised in good and due form, have agreed upon the following provisions :

Article 1.

Each of the High Contracting Parties undertakes that nationals of the other Contracting Parties residing *or sojourning regularly* in its territory and standing in need of relief, medical attention or any *public* assistance whatsoever indispensable for the requirements of a proper livelihood, including moral assistance, shall receive in such territory the same treatment as its own nationals and subject to the same conditions as the latter, together with decent burial if necessary.

Such assistance will apply :

(*a*) To minors for whose maintenance neither their own families nor third parties are making adequate provision. The assistance granted to such persons shall include, not only medical and hygienic care and admission to institutions, but also measures of

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[1] The passages printed in italics show the amendments made in the second draft of the Multilateral Convention.

protection, maintenance, training and education applicable to indigent national minors. For the purposes of the present Convention, the term minority shall be construed to mean minority as defined *by the public assistance laws* of the country of residence ;

(*b*) To persons entirely without means of livelihood ;

(*c*) To persons suffering from physical or mental disease, to the aged or to invalids incapable of providing for their own needs.

Notwithstanding that the present Convention does not apply either to social insurance systems or to unemployment relief, it shall nevertheless apply to relief given to indigent unemployed persons when such relief forms a part of public assistance.

Stateless persons and persons of indeterminate nationality, who are regularly authorised to reside in the countries in which they are, shall be entitled to the assistance specified above.

Article 2.

The assistance specified in letter (*a*) of the foregoing article shall be granted even to such minors as are nationals of States not parties to the present Convention, in the case of orphans or abandoned children.

Article 3.

Each of the High Contracting Parties undertakes not to remove a foreigner from its territory on the sole ground that he is indigent, except by means of repatriation and under the conditions laid down in the present Convention.

This undertaking shall apply only to a foreigner who, at the moment when the measure of removal might be contemplated, has been living or residing regularly for an uninterrupted period of twelve months in the country of residence.

The country of origin may not, except in the cases referred to in paragraph 4 of the present article, oppose repatriation if the assistance given to its nationals has already lasted for one year. In the case of old people of over seventy years of age and of incurables, this period shall be reduced to six months.

Even where repatriation can be effected in accordance with the above provision, it shall not be resorted to in the following cases :

(1) If, before receiving assistance benefits, the foreigner has remained for at least ten years in the country of residence, without being given public assistance for an unbroken period of at least one year. This period fixed for the length of residence should, as far as possible, be reduced and, in certain cases or for specified categories, might be fixed at five years ;

(2) If repatriation would result in the separation of the members of the family against their will ;

(3) In the case of assistance to a woman if, before her marriage, she possessed the nationality of the country of residence ;

(4) In the case of minor children, regard shall be given to the interests of the child, irrespective of its length of residence.

For the purposes of the present provision, the occasional absence of a foreigner who, during the period of such absence, has retained the right of sojourn or residence shall not be deemed to constitute interruption of residence, nor the departure of a foreigner to his own country to perform compulsory military service.

The repatriation of the assisted person must be postponed if it presents any danger to the health of that person or any other persons.

Removal from the territory in execution of the present article may not take place in the case of stateless persons and persons of indeterminate nationality referred to in the last paragraph of Article 1.

Article 4.

The interest of the foreigner and of his family shall be taken into account in deciding whether or not to repatriate an indigent foreigner, and in fixing the date of repatriation, if this is decided upon.

During the enquiry conducted on this subject by the authorities of the country of residence, the indigent foreigner may either personally or through a competent institution supply full information regarding his situation and that of his family, and particularly regarding any benefits or other advantages to which he or his family may be entitled.

Article 5.

Where assistance has been given for more than the period fixed in Article 3, paragraph 3, the country of origin may, in agreement with the country of residence, replace repatriation by the refund of assistance costs.

In the case of such refund in place of repatriation, the costs of assistance shall be defrayed by the country of origin as from the expiration of the periods mentioned in the foregoing paragraph or, if the request for repatriation was made after these time-limits, within a period of three months after the receipt of the request for repatriation by the country of origin.

Article 6.

In cases in which the repatriation of an indigent foreigner by agreement between the Governments concerned under the provisions of Article 3 is contemplated, the Government of the country of residence shall notify the Government of the country of origin, through its diplomatic representative, of its intention of proceeding to repatriate the assisted person. This notice shall be accompanied by all civil-register and other particulars necessary to identify the foreigner in question and to make known his situation from the point of view of assistance (forenames and surname of the assisted person, his civil status, the authority that issued his passport, the names of his parents, date and place of birth, proofs of his nationality, date and place of marriage, and forenames and surname of wife, if any, place and date of last stay in country of origin, present address, brief description of his situation, medical certificate).

When obliged to obtain information of a social character concerning the situation of the person to be repatriated and his family, the Governments of the countries concerned shall apply, whenever possible, to the public relief services and qualified private relief organisations.

The Government of the country of origin shall inform the diplomatic representative of the country of residence, within three months of the receipt of each notification, whether it recognises the assisted person as its national and agrees to his repatriation.

Article 7.

The country of residence shall be bound to take any steps which may be necessary for the protection of the foreigner to be repatriated up to the frontier of the State of origin. It shall, if necessary, reach an agreement with the countries of transit and the country of origin, in order to avoid difficulties *en route*.

Each of the High Contracting Parties shall grant in its territory, for the transit of assisted persons to be repatriated, any facilities or reductions of rates which it grants for the transport of its own indigent nationals.

Article 8.

The cost of the repatriation of the foreigner as far as the frontier of the country of origin shall be defrayed by the country of residence, when the latter and the country of origin are both situated in Europe, or in Africa, or in Asia, or in Oceania, or in North America, or Central America, or in South America. In the contrary case, the defrayal of costs shall be determined by agreement between the two countries concerned.

The costs shall be defrayed by the country of origin if repatriation takes place at its request.

Article 9.

Should the person assisted himself, or other persons legally bound to do so in his stead, be in a position to meet the repatriation expenses *and the costs of assistance incurred in the country of residence*, a refund thereof may be claimed from such person or persons. For this purpose, each of the High Contracting Parties shall grant any other Contracting Parties such assistance as is admissible under that country's laws with a view to the refund of such expenses, which shall be calculated at the rates applicable to nationals, to the parties entitled thereto.

Article 10.

All measures of order and detail relative to the application of the present Convention *and which are not provided for in bilateral public assistance agreements or treaties already concluded* shall form the subject of agreement between the countries concerned, which may empower their competent departments to settle them directly.